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Powers under Bombay Civil Services Rules.

Delegation of -

GOVERNMENT OF MAHARASHTRA

Finance Department.

Government Resolution No. MIS 1076/CR-1395/SER-7.
Mantralaya, Bombay-400 032, Dated the 19th April 1977.

GOVERNMENT RESOLUTION

With a view to exploring the possibility of delegating further powers under the Bombay Civil Services Rules, Government constituted a Committee vide Government Circular, General Administration Department No. DIP-1076/X, dated the 29th May 1976. The committee examined the various suggestions made by the Departments of the Mantralaya in this regard and made its recommendations to Government. Government has approved these recommendations with modifications wherever considered necessary.

2. Government is now pleased to direct that powers to the extent and subject to the conditions as set out in the accompanying statement should be delegated to the various authorities. These powers shall be exercised subject to fulfilment of general conditions prescribed by Government from time to time under the relevant rules, regulations and/or orders.

3. It is possible that certain authorities may have already been vested with more powers than those mentioned in the statement. Government is pleased to direct that such enhanced powers, if already vested, should continue to be in force.

4. Necessary amendment to the Bombay Civil Services Rules wherever necessary will be issued in due course.

By order and in the name of the Governor of Maharashtra,

N.S. JOSHI,
Desk Officer.

Accomp: Statement. ..

The Accountant General, Maharashtra I, Bombay
(160 copies),
The Accountant General, Maharashtra II, Nagpur
(40 copies),
The Resident Audit Officer, Bombay,
The Chief Auditor, Local Fund Accounts, Bombay,
*The Secretary, Maharashtra Public Service Commission,
Bombay,
*The Secretary, Maharashtra Legislature Secretariat,
Bombay,
*The Prothonotary and Senior Master, High Court, Bombay,
*The Registrar, High Court of Judicature, Appellate Side,
Bombay,
*The Registrar, Office of the Lokayukta and Upa-Lokayukta,
Bombay,
The Secretary to the Chief Minister,
The Personal Assistants to all Ministers, Ministers
for State,
All Departments of the Mantralaya,
The Divisional Commissioners, Bombay/Poona/Nagpur/
Aurangabad,
The Pay and Accounts Officer, Bombay(40 copies),
All Heads of Departments and Heads of Offices under the
several Departments of the Mantralaya,
The Chief Executive Officers of all Zilla Parishads,
All Desks in Finance Department(5 spare copies to
Librarian),
The Liaison Officer, Mantralaya, Bombay,
The Select file(SER-7)).

*By letter.

No.

of 1977.

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S T A T E M E N T

Sr. No.	Nature of Power	Authority Competent to Exercise power	Revised deleted powers		Remarks
			Extent of power	General conditions, if any	
1	2	3	4	5	6
1.	Issue of certificate under Bombay Civil Services Rule 35 for the period of deputation in respect of Government servant's continued officiating appointment.	Authority Competent to depute for training or course of instructions.	Full Powers.	The authorities mentioned in Column 3 may re-delegate the power to gazetted officers under their administrative control, subject to maintenance of uniformity in the power so re-delegated. They may also re-delegate this power to their subordinate gazetted officer incharge of Establishment in their own offices..	
2.	Issue of certificate under Bombay Civil Services Rule 50 for counting the service in another post other than a post carrying less pay referred to in Bombay Civil Services Rule 22(a) service on deputation in or out of India for increment.	Authority competent to make appointment to the post. Authority competent to sanction leave both to gazetted and non-gazetted Government servants.	Full Powers. Full powers in respect of certificate under Bombay Civil Services Rule 50(b).		

Authority competent to sanction deputation to foreign service as mentioned in Government Resolution, Finance Department, No.FNS-1074/4268/74/SER-8, dated 21-6-1976.

Full powers in respect of certificate under Bombay Civil Services Rule 50(d).

3. Power to allow Extraordinary leave taken for any cause beyond the Government Servant's control or for prosecuting higher scientific or technical studies for counting for increments under Bombay Civil Services Rule 50(b)(ii).

Administrative Departments of Mantralaya.

Full powers. Provided the course of training has a direct relationship with the duties associated with the post in the cadre to which the Government servant belongs. This is further subject to the condition that the Government servant has signed a bond as required by general orders of Government.

4. Power to sign increment certificate.

- 1) Heads of Departments.
2) Regional Heads of Departments.)

Full powers. In respect of (1) non-gazetted Government servants under their control and (2) gazetted officer whom they have power to appoint. They may re-delegate this power to their subordinate gazetted officers incharge of administration/accounts in their own offices.

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5. Power to suspend
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6. Powers to sanction
pension to Government
servants.

3) Heads of
Offices.

1) Heads of
Departments.

- 1) Heads of
Departments.
- 2) Authorities
competent to
make appoint-
ments in the
vacancies
caused by the
retiring
Government
servants.

Full powers. In respect of non-gazetted Government servants under their administrative control whom they have power to appoint.

Full powers. In respect of Government Servants whom they can appoint. They may re-delegate this power to their subordinate gazetted officers in-charge of administration in their own offices subject to the fulfilment of requirements and/or orders in this regard.

Full powers. They may re-delegate this power to their subordinate gazetted officers in-charge of administration/accounts in their own offices subject to the condition that prior approval of competent authority is obtained for reduction in the full pension/Death-cum-Retirement Gratuity admissible.

Full powers. They may re-delegate this power to their subordinate gazetted officers in-charge of administration/accounts in their own offices subject to the condition that prior approval of competent authority is obtained for reduction in the full pension/Death-cum-Retirement Gratuity admissible.

7. Power to allow military service to count towards pension under Bombay Civil Services Rule, 247.

- 1) Inspector General of Police.
- 2) The Commissioner of Police, Bombay.
- 3) Deputy Inspector General of Police
- 4) Heads of Departments and other appointing authorities.

Full powers.

Subject to the prescribed conditions in the case of Inspector General of Police and Commissioner of Police, Bombay in Serial No.2 of Appendix I (Chapter XI) of Bombay Civil Services Rule, Volume II.

8. Power to grant all kinds of leave other than special disability leave and study leave to gazetted Government servants.

- 1) Heads of Department.

Upto 120 days in respect of Class I and Class II Officers.

- 2) Regional Heads.

Upto 120 days in respect of Class II Officers.

Subject to the condition that no substitute is appointed during the leave period.

9. Power to grant all kinds of leave except special disability leave and study leave to non-gazetted Government servants.

- 1) Authorities competent to make appointments.

Full powers.

The Administrative Departments of the Mantralaya and Heads of Departments may, subject to general orders issued by Government from time to time, re-delegate the power to their subordinate gazetted officers subject to such conditions as they consider necessary provided the scope of powers so

re-delegated is the same in respect of all such subordinate officers of the same rank.

Honorarium payable by the Government of India, other State Governments and Departments of the State Government not exceeding 20% of the basic pay of the officer provided permission to accept the work has been obtained from the competent authority.

Fees upto Rs.1,000/- per case received from agencies outside Government may be allowed to be retained provided prior permission to undertake the work and accept the fees is obtained from the competent authority. In cases, where such fees become payable to any Government servant by virtue of office, he should not be allowed to retain the fees but the fees should be credited to Government account and he may, if necessary, be remunerated by way of special pay or otherwise.

Honorarium
Rs.500/-
Fees
Rs.1,000/-

Heads of Departments.

10. Power to sanction grant of honoraria or acceptance of fees.

1	2	3	4	5	6
11.	Power to commute retrospectively periods of absence without leave into Extra Ordinary Leave in addition to leave under Rule 13(b)(i)(ii)(iii)(iv) of the Revised Leave Rules, 1935.	Authorities Competent to make appointments.	Full Powers	Limited to 90 days in respect of temporary Government servants and one year in respect of permanent Government servants.	
12.	Power to make appointment of substitutes in leave vacancies upto Class I Officers. (other than those the minimum of the scale of which is Rs.1,000/- or more).	Heads of Departments.	Full Powers	<p>1) The duration of leave vacancy is more than 30 days.</p> <p>2) The period of appointment of a substitute does not exceed 120 days.</p> <p>3) The appointment is made from among the senior-most local officer included in the select list.</p>	
13.	Grant of compassionate pension to primary school teachers under ex-Hydrabad Civil Services Rules.	Director of Education	Full Powers.	This is subject to fulfilment of rules regarding grant of compassionate pension.	
14.	Power to grant permission to prosecute higher studies.	<p>1) Director of Technical Education.</p> <p>2) Regional Deputy Director of Technical Education.</p>	<p>Full Powers</p> <p>Full Powers.</p>	<p>i) Grant of permission does not interfere with his/their normal teaching work;</p>	

- ii) He/They should not use Office time for his/their studies;
- iii) This should not be put forth as an excuse against his/their transfer if and when made;
- iv) He/They should not ask for any kind of leave for preparation of examination.
- v) In the event of the incumbent being transferred elsewhere the permission should automatically stand cancelled.
- vi) By virtue of acquiring additional qualification he/they should not claim seniority over his/their seniors.
- vii) There should be no expenditure to Government on this account.

1	2	3	4	5	6
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15.	Power to issue detention orders during vacation.	1) Director of Technical Education. 2) Principal, Government Engineering Colleges. 3) Principal, Government Polytechnics. 4) Principal, Government Institute of Printing and Technology. 5) Principal, College of Pharmacy, Karad. 6) Principal, Technical Teachers' Training College, Pune.	Full Powers.		
16.	Power to depute for training, seminars, etc. in India.	Heads of Departments.	Full powers.	1) The period of training as well as the minimum joining time required for performing journey from the place of Headquarters/ training and back, as admissible under the rules, should be treated as duty.	

/to the place of

- 2) The Officers concerned should be allowed to draw pay and allowances during the period of deputation for training at the rate at which they would have drawn but for their deputation for training.
- 3) Appointments of substitutes in Class II and Class I posts other than those the minimum of which is Rs.1000/- or more should be made in accordance with the Serial No.4(b), 5 and 7 in the Annexure to the Government Resolution, General Administration Department, No.SRV-1076/1901-XII, dated the 29th September 1976.
- 4) The training in question should not confer any advantage on the deputationists in the matter of promotion vis-a-vis their seniors.
- 5) The Officers concerned would have continued to be in service but for deputation.

- 6) The Officers concerned should be allowed to draw under the normal rules daily allowance or halting allowance in lieu thereof. They may be allowed to draw Travelling Allowance during the period of deputation in addition to halting allowance for excursions, etc., if any.
- 7) They should be allowed to draw House Rent Allowance and Compensatory Local Allowance if they were in receipt of the same prior to their deputation as a special case under exception to Bombay Civil Services Rule 339, during the period of training.
- 8) The Officers should execute an agreement bond as required by Government Resolution, General Administration Department, No.SRV-1069/D-1, dated 21-6-1969 read with Government Resolution, Finance Department No.LVE 2464/494/69/X, dated 23-12-1969.
- 9) While selecting Officers for specialised training, the orders contained in Government Circular,

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22/10/74
19/10/74

General Administration
Department, No. TAG-1470/
D-1, dated 21-10-1970
should be borne in mind.

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| 17. Power to send on deputation Officers below the rank of Police Sub-Inspector to other Departments of the State Government and the Government of India. | Inspector General of Police. | Full Powers. | No deputation allowance should be allowed in the case of deputationists to other Departments of this Government. |
| 18. Power to condone break in service for the purpose of pension. | Appointing Authorities. | Full Powers. | This is subject to the conditions in Note 2 below Bombay Civil Services Rule, 250 being fulfilled and so certified by the appointing authorities. |
| 19. Power to grant House Rent Allowance in lieu of rent free quarters. | Heads of Departments. | Full Powers. | This is subject to rates and conditions prescribed vide Government Resolution, Finance Department, No. CPA-1471/1771/S-3, dated 21-4-1972 as amended from time to time. |
| 20. Power to approve the scale of accommodation of gazetted officers working at stations where House Rent Allowance is admissible and also to countersign House Rent Allowance Bills on personal physical verification during the month of January and July each. | 1) Administrative Departments in case of Heads of Departments.
2) Heads of Departments.
3) Regional Heads. | Full Powers. | The Heads of Departments/Regional Heads may re-delegate the power to their immediate subordinate gazetted Officer incharge of Administration/Accounts in their own offices. |

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1	2	3	4	5	6
21.	Power to grant Travelling Allowance for journeys on tour when defence is undertaken at public cost.	Authorities empowered to sanction the employment of counsel for defence.	Full Powers.	Competent Authorities may redelegate the power to their immediate subordinate gazetted officer incharge of Administration/Accounts in their own offices.	
22.	Power to sanction Bicycle Allowance not exceeding Rs.6/- p.m. in respect of Government servants subordinate to them provided a Bicycle is considered necessary for the efficient performance of their executive duties and actually used by them.	1) Heads of Departments. 2) Heads of Offices.	Full Powers.	Heads of Departments may re-delegate the power to their immediate subordinate gazetted officers incharge of Administration/Accounts in their own Offices.	
23.	Power to shift Headquarters of Class II and Class III posts.	Heads of Departments.	Full Powers.	In respect of Class II posts, Heads of Departments are authorised to modify the charges without change of Headquarters. In respect of Class III posts, Heads of Departments are authorised to modify the changes as well as to shift the Headquarters subject to the following conditions:- 1) The expenditure involved is met from the sanctioned grants. 2) Reports are submitted to Government twice a year	11

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i.e. June and December
in respect of shifting of
Headquarters with
reasons therefor.

3) Shifting of Headquarters
should be within the
same Revenue District.

24. Power to countersign
Travelling Allowance
Bills.

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|-----------------------------|-----------------|
| 1) Controlling
Officers. | Full
Powers. |
| 2) Regional Heads. | } Full Powers. |
| 3) Heads of Offices | |

25. Power to sanction
transfer Travelling
Allowance to Government
servants in respect of
their family members and
personal effects if not
shifted to new place
within 6 months of the
Government Servant's
taking over charge of
the new posts.

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| 1) Administrative
Department. | Full Powers
upto 2 years. |
| 2) Heads of
Departments. | } Full Powers
upto 1 year. |
| 3) Regional Heads. | |

26. Power to grant permission
to travel by Air to Police
Officers of the Greater
Bombay Police force.

Commissioner of
Police. Full
Powers.

- 1) Powers should be exercised
in emergent cases of
investigation of crimes,
reasons to be recorded
in writing.
- 2) Monthly reports of grant
of such permission of
travel by Air should be
submitted to Home
Department.

1	2	3	4	5	6
27.	Power to sanction Daily Allowance for more than 15 days.	1) Administrative Departments. 2) Heads of Departments. 3) Regional Heads.	Full Powers to sanction daily allowance on the sliding scale prescribed in Government Notification, Finance Department, No.TRA-1073/430/S-3, dated 21-4-1973 upto 90 days. 4) Heads of Offices.	Full powers to sanction Daily Allowance on a sliding scale upto 30 days.	
28.	Powers to decide the shortest of two or more routes.	1) Heads of Departments. 2) Regional Heads.	Full Powers.		
29.	Power to allow mileage allowance to be calculated on a route other than the shortest or cheapest.	1) Heads of Departments. 2) Regional Heads.	Full powers.		
30.	Power to decide in cases of doubts or hardship, the class of steamer accommodation to which a Government servant is entitled.	1) Heads of Departments. 2) Regional Heads.	Full Powers.		

31. Power to sanction Travelling Allowance claimed for actual Cost incurred by Government Servants of a grade lower than the first in travelling by a special means of conveyance without the previous sanction of superior authority.

- 1) Heads of Departments.
- 2) Regional Heads.

Full Powers.

32. Power to fix the headquarters of a Government servant in connection with his journey on tour.

- Heads of Departments.

Full Powers.

The Heads of Departments may redelegate the power to the Regional Heads subject to the condition that report is submitted to Government in the administrative Department.

33. Power to decide whether particular absence is absence on duty.

- 1) Heads of Departments.
- 2) Regional Heads.

Full Powers.

34. Power to allow in addition to mileage allowance the actual cost of maintaining a camp, during sudden journey away from it, not exceeding daily allowance.

- 1) Heads of Departments.
- 2) Regional Heads.

Full Powers.

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| <p>35. Power to allow a Government servant to recovery in addition to mileage allowance or daily allowance or both the actual cost of conveying camp equipments, etc.</p> | <p>1) Heads of Departments.
2) Regional Heads.</p> | <p>} Full Powers.</p> |
| <p>36. Power to allow a Government Servant to proceed on duty outside the limits of his charge and to draw pay and allowances for such duty.</p> | <p>1) All Departments of Mantralaya.
2) Heads of Departments.
3) Regional Heads.
4) Controlling Officers.</p> | <p>Full Powers.

Full Powers.

Full Powers.

Full Powers in respect of Government servants, subordinate to them.</p> |